

MEMO ENDORSED

Ronald J. Wronko • O

**LAW OFFICES OF
RONALD J. WRONKO, LLC***134 COLUMBIA TURNPIKE
FLORHAM PARK, NJ 07932***(973) 360-1001****FAX (973) 360-1881**305 Madison Avenue,
Suite 449
New York, New York
10165
(212) 886-9057
(212) 957-1912Member of New Jersey Bar •
Member of New York Bar O**Reply to New Jersey**ron@ronwronkolaw.com
www.ronwronkolaw.com

July 26, 2013

VIA FACSIMILE @ (212) 805-7930Hon. James C. Francis, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

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**Re: Leena Varughese, M.D. v. Mount Sinai Medical Center, et al.
Civil Action No. 12 Civ. 8812 (CM)**

Dear Judge Francis:

I represent plaintiff in the above-referenced matter. Plaintiff has communicated to me that she will be voluntarily dismissing her intentional infliction of emotional distress claim, will not be relying upon an expert for emotional distress, and will only be pursuing a garden variety emotional distress claim.

Accordingly, plaintiff respectfully requests that the Court amend the recent Order compelling a psychiatric examination to state that plaintiff is no longer required to appear for such examination in light of her dismissal of the IIED claim and decision to pursue only a garden variety emotional distress claim.

Hon. James C. Francis, U.S.M.J.
July 26, 2013

We thank the Court for its consideration of this matter.

Respectfully submitted,

Ronald J. Wronko

Encl.

cc: Rory J. McEvoy, Esq. (via facsimile @ (212) 308-4844)

7/26/13
Application granted. The
plaintiff is precluded from
proffering evidence going to
any emotional ~~distress~~ injury other
than a "garden variety"
claim of emotional distress.

SO ORDERED.
James C. Francis IV
USMJ